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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/171,049	10/12/98	REZAI	E JA138

IM52/0425

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EXAMINER
PRATT, C

ART UNIT	PAPER NUMBER
1771	13

DATE MAILED: 04/25/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/171,049

Applicant(s)

REZAI ET AL.

Examiner

Christopher C. Pratt

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 March 2001.
- 2a) ☐ This action is FINAL.
- 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 and 39-41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 and 39-41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 12.

- 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other:

DETAILED ACTION

Response to Amendment

1. Applicant's amendments and accompanying remarks filed 2/15/01 have been entered and carefully considered. Applicant's abstract is found to overcome the previous objection to the specification. Despite this advance, the amendments are not found to patentably distinguish the claims over the prior art and Applicant's arguments are not found persuasive of patentability for reasons set forth herein below.

Continued Prosecution Application

2. The request filed on 2/15/01 for a Continued Prosecution Application (CPA) under 37 CFR 1.53(d) based on parent Application No. 09/171049 is acceptable and a CPA has been established. An action on the CPA follows.

Claim Rejections - 35 USC § 103

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claims 1-19 and 39-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wang et al (5849405) in view of Mukaida et al (EP 612533 A1), Minto (EP 156160), Early et al (4468428), and Anjur et al (5645542).

This rejection is basically a reiteration of the two previous rejections, however the examiner has added Mukaida and Minto as further evidence that it would have been obvious to utilize microfibers to bind the gelling particles to the carrier layer. Wang specifically teaches that the absorbent materials are preferably "attached" to the carrier

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substrate (col. 16, lines 40-45), but, as applicant argues, Wang does not teach specifically how the absorbent is attached. Wang does however teach that glues and binders are used in conjunction with the absorbent polymer and carrier layer (col. 13, lines 30-35). It is the examiner's position that these teachings alone would suggest to a person having ordinary skill in the art that the absorbent is attached via these glues and binders. However, in light of applicant's argument that "there is no contemplation that microfibers bind absorbent gelling materials," the examiner cites Mukaida and Minto.

Mukaida is concerned with the creation of absorbent articles wherein absorbent polymers are attached to a fibrous substrate via a polymeric resin (p. 3, lines 10-20). Mukaida specifically teaches that said absorbent polymers are attached to fibrous substrates with resin polymers anticipating applicant's claimed polymers (p. 4, lines 1-20). If it is not obvious from Wang alone that the "glues and binders" are meant to "attach" the absorbent to the carrier then the teachings of Mukaida would provide a method of accomplishing Wang's goal of attaching the absorbent particles to the carrier layer.

Neither of these references seem to teach utilizing said "glues and binders" in the form of fibers. Mukaida only teaches using said resin in the form of particles up to 300 microns in size. The examiner previously stated that it is extremely common and well known in the art to utilize microfibers as binders. In support of this position the examiner cited Early. In further support of this position the examiner now cites Minto.

Minto is concerned with the creation of absorbent articles comprising an absorbent polymer attached to a fibrous substrate. Minto teaches the use of microfibers

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as a binder (p. 2, lines 10-15). Based on this teaching of Minto, and in view of the teachings of Mukaida it would have been obvious to a person having ordinary skill in the art to utilize microfibers as the "glue and binders" taught by Wang to attach said absorbent polymers to said carrier layer. The skilled artisan would have been motivated to utilize microfibers by the desire to use a binder with a larger surface area, which would promote increased binding and entanglement of the absorbent polymers.


Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher Pratt whose telephone number is 703-305-6559. The examiner can normally be reached on Monday - Friday from 7 am to 4 pm.

If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on 703-308-2414. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-2351.

Christopher C. Pratt
April 16, 2001


TERREL MORRIS
SUPERVISORY PATENT EXAMINER
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